

IN THE CHANCERY COURT FOR CAMPBELL COUNTY, TENNESSEE

RIGGS DRUG COMPANY, INC., FANNON
FAMILY INVESTMENTS, L.P.,
JOHN H. CLAIBORNE,
WILLIAM F. CLAIBORNE, JR.,
KATHY LIPPS, CAROL COWART, &
MARSHA WILSON,

Plaintiffs,

v.

OWNERS INSURANCE COMPANY d/b/a
AUTO OWNERS INSURANCE COMPANY,

Defendant.

Complaint for Damages

No. 7CH-2017-
CV-25

2017 FEB 21 AM 11:36

CAMPBELL COUNTY
CLERK & MASTER
FILED

COMPLAINT

Come the Plaintiffs, by and through counsel, and for their cause action, state as follows:

1. Plaintiff Riggs Drug Company, Inc., is a named insured under the insurance policy at issue in this cause of action and is named herein only as a nominal plaintiff.
2. Fannon Family Investments, L.P., is a named insured under the insurance policy at issue in this cause of action and is named herein only as a nominal plaintiff.
3. Plaintiffs John H. Claiborne, William F. Claiborne, Jr., Kathy Lipps, Carol Cowart, and Marsha Wilson are named as "Additional Interested Parties" and as "Additional Insured[s]" in the insurance policy at issue in this cause of action, with their principle place of business at 433 Claiborne Road, LaFollette, Tennessee.
4. Defendant Owners Insurance Company d/b/a Auto Owners Insurance Company ("Auto Owners") is a foreign insurance company with its principle place of business at 6101 Anacapi Boulevard, Lansing, Michigan 48917. Defendant may be served with process in this action

EXHIBIT

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through the Department of Commerce and Insurance of the State of Tennessee, 500 James Robertson Parkway, Nashville, TN 37245.

5. The transaction or occurrence giving rise to this cause of action transpired in Campbell County, Tennessee, and, therefore, both jurisdiction and venue are proper in this Honorable Court.

6. On November 14, 2014, Auto Owners issued a policy of insurance ("the Policy") to the nominal Plaintiffs as named insureds, also naming Plaintiffs as "Additional Interested Parties" and as "Additional Insured[s]", said Policy bearing number 47-311-894-00.

7. The Policy provided coverage from various perils for loss to a structure located at 502 West Central Avenue, LaFollette, TN.

8. On February 22, 2015, a weather event occurred which resulted in damage to the structure covered under the policy.

9. Plaintiffs, as Additional Interested Parties and Additional Insured[s], made claim upon Auto Owners for damages to the structure pursuant to the terms of the Policy.

10. Plaintiffs have performed all conditions precedent to recovery under the Policy.

11. Plaintiffs' demands for payment or action from Auto Owners have been to no avail.

12. Plaintiffs aver that they have suffered a covered loss under the Policy.

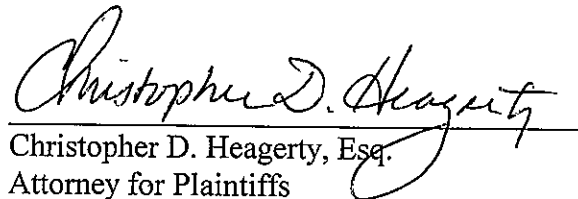
13. As a result of the damage to the structure covered under the Policy, the Plaintiffs have sustained damages in excess of \$ 70,000.00.

14. Plaintiffs aver that the damages reference herein are covered under the terms of the Policy, and should rightfully have been paid to them.

THE FOREGOING PREMISES CONSIDERED, Plaintiffs pray unto the Court for the following relief:

- a) That Summons issue and be served upon the Defendant with this Complaint, and that Defendant be required to answer this Complaint within the time required by law;
- b) That Defendants have and recover their rightful damages from the Defendant;
- c) That Defendants recover their pre-judgment and post judgment interest in this action pursuant to the laws of the State of Tennessee; and
- d) That Plaintiffs have such other and general relief as the Court deems just and proper.

Respectfully submitted this 21st day of February, 2017.



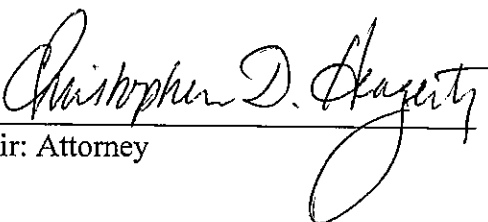
Christopher D. Heagerty, Esq.
Attorney for Plaintiffs
1348 Dowell Springs Blvd.
Knoxville, TN 37909
Phone No. 865-368-1397
State Bar No. 016728

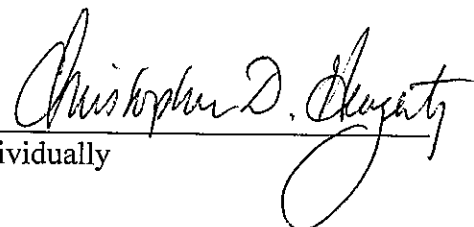
COST BOND

We acknowledge ourselves liable for the costs in this cause of action, Plaintiffs, as Principal, Christopher D. Heagerty, Esq., as Surety. This obligation pursuant to Tennessee Code Annotated § 20-12-125, to prosecute said action and to be responsible for the costs incurred in so doing.

Principal
JOHN H. CLAIBORNE,
WILLIAM F. CLAIBORNE, JR.,
KATHY LIPPS, CAROL COWART, &
MARSHA WILSON,

Surety
Christopher D. Heagerty, Esq.

By: 
Their: Attorney

By: 
Individually

<u>CAMPBELL</u> County <div style="text-align: center; font-weight: bold; font-size: 1.2em;">CLERKS COPY</div>	STATE OF TENNESSEE CIVIL SUMMONS page 1 of 1	Case Number <u>7CH1-2017</u> <u>CV-25</u>
<u>RIGGS DRUG CO, et al.</u> vs. <u>OWNERS INSURANCE CO. d/b/a</u> <u>Auto Owners Insurance Company</u>		

Served On:

Department of Commerce and Insurance
500 James Robertson Parkway, Nashville, TN 37245

You are hereby summoned to defend a civil action filed against you in CHANCERY Court, CAMPBELL County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: February 21, 2017

Dennis Potter / Jason H. Patton
 Clerk / Deputy Clerk

Attorney for Plaintiff:

CHRIS HEAGERTY, ESQ.
1348 DOWELL SPRINGS BLVD.
KNOXVILLE, TN 37909

NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. Please state file number on list.

Mail list to _____, _____ Clerk, _____ County

CERTIFICATION (IF APPLICABLE)

I, _____, Clerk of _____ County do certify this to be a true and correct copy of the original summons issued in this case.

Date: _____

 Clerk / Deputy Clerk

OFFICER'S RETURN: Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

I certify that I have served this summons together with the complaint as follows: _____

Date: _____

By: _____
 Officer, Title

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on _____, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant _____. On _____ I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: _____

 Notary Public / Deputy Clerk (Comm. Expires _____)

Signature of Plaintiff

 Plaintiff's Attorney (or Person Authorized to Serve Process)
 (Attach return receipt on back)

ADA: If you need assistance or accommodations because of a disability, please call _____, ADA Coordinator, at () _____.

Rev. 03/11

KRAMER RAYSON LLP

Attorneys at Law

JOHN T. JOHNSON, JR.
WARREN L. GOOCH
WAYNE R. KRAMER
EDWARD G. PHILLIPS
THOMAS M. HALE
JACKSON G. KRAMER
BEECHER A. BARTLETT, JR.
ROBERT W. KNOLTON
JOHN C. BURGIN, JR.
CHARLES M. FINN
ROBERT A. CRAWFORD
JOHN E. WINTERS
ROBERT L. BOWMAN
STEVEN E. KRAMER
SHANNON COLEMAN EGGLE
KATE E. TUCKER
BETSY J. BECK
WILLIAM J. CARVER
GEORGE R. ARRAANTS, JR.
JASON E. FISHER
ADAM G. RUSSELL
BRANDON L. MORROW
CAMILLE H. SANDERS
BRYCE E. FITZGERALD
STANTON A. FEARS

SPECIAL COUNSEL
LESLIE L. SHIELDS

POST OFFICE BOX 629
KNOXVILLE, TENNESSEE 37901-0629

OFFICES
FIRST TENNESSEE PLAZA, SUITE 2500
800 SOUTH GAY STREET
KNOXVILLE, TENNESSEE 37929
TELEPHONE 865 525-5134
TELECOPIER 865 522 5723

105 DONNER DRIVE, SUITE A
OAK RIDGE, TENNESSEE 37830
TELEPHONE 865 220-5134
TELECOPIER 865 220-5132

March 10, 2017

R.R. KRAMER (1888-1966)

E-Mail: rcrawford@kramer-rayson.com

Mr. Dennis Potter
Clerk and Master
P.O. Box 182
Jacksboro, Tennessee 37757

Re: *Riggs Drug Company, Inc., Fannon Family Investments, L.P., John H. Claiborne, William F. Claiborne, Jr., Kathy Lipps, Carol Cowart and Marsha Wilson v. Owners Insurance Company d/b/a Auto-Owners Insurance Company*
Campbell County Chancery Court, docket no. 7CH1-2017-CV-25

Dear Mr. Potter:

Please enter my name as attorney for Owners Insurance Company d/b/a Auto-Owners Insurance Company in the above-referenced matter. By copy of this letter to plaintiffs' attorney, Christopher Heagerty, I am notifying him of my appearance in this case.

Thank you for your assistance in this matter.

Very truly yours,


Robert A. Crawford

RAC:arr

cc: Christopher D. Heagerty, Esq.

CAMPBELL COUNTY
CLERK & MASTER
FILED
2017 MAR 13 AM 8:17

STATE OF TENNESSEE
Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, TN 37243-1131
PH - 615.532.5260, FX - 615.532.2788
Jerald.E.Gilbert@tn.gov

February 28, 2017

Auto Owners Insurance Company
800 S. Gay St., Ste. 2021, % C T Corp.
Knoxville, TN 37929-9710
NAIC # 18988

Certified Mail
Return Receipt Requested
7016 0750 0000 2779 1736
Cashier # 30745

Re: Riggs Drug Co., Et Al V. Auto Owners Insurance Company

Docket # 7CH1-2017-CV-25

To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served February 24, 2017, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Jerald E. Gilbert
Designated Agent
Service of Process

Enclosures

cc: Chancery Court Clerk
Campbell County
P O Box 182
Jacksboro, Tn 37757

CAMPBELL COUNTY
CLERK & MASTER
FILED

2017 MAR 13 AM 8:19

<u>CAMPBELL</u> County	STATE OF TENNESSEE CIVIL SUMMONS page 1 of 1	Case Number 7CH1-2017 CV-25
ORIGINAL RETURN TO CLERK		
<u>RIGGS DRUG CO, et al.</u> vs. <u>OWNERS INSURANCE CO. d/b/a</u>		

Served On:

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Department of Commerce and Insurance
500 James Robertson Parkway, Nashville, TN 37245

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Attorney for Plaintiff:

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 Plaintiff's Attorney (or Person Authorized to Serve Process)
 (Attach return receipt on back)

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